

E-Filed 9/4/2009

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION**

TANISHA BUTLER,

Plaintiff,

v.

OCWEN LOAN SERVICING, LLC, et al.,

Defendants.

Case Number C 09-3052 JF (RS)

ORDER GRANTING MOTION TO
DISMISS WITH LEAVE TO AMEND

[re: docket no. 4]

On May 28, 2009, Plaintiff filed the instant action in the Santa Clara Superior Court, asserting claims arising out of a mortgage loan on her primary residence. Defendants removed the action to this Court and filed a motion to dismiss pursuant to Fed. R. Civ. P. 12(b)(6). Plaintiff did not file opposition to the motion or appear at the hearing on September 4, 2009. Accordingly, for good cause shown and without opposition, Plaintiff's complaint is DISMISSED WITH LEAVE TO AMEND. Plaintiff shall file any amended complaint on or before October 9,

2009. Failure to file an amended complaint within the time provided will result in the dismissal of this action for failure to prosecute.

IT IS SO ORDERED.

DATED: 9/4/2009


JEREMY FOGEL
United States District Judge

Copies of Order served on:

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